



April 23, 1999

Mr Michael Wied  
Attorney, Administration and Northern Legal Services  
Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231

OR99-1105

Dear Mr. Wied:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125659.

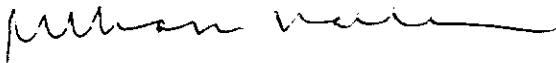
The Texas Water Development Board received a request for information regarding a specified sewer project. You seek to withhold some of the requested information under section 552.107(1) of the Government Code.

Section 552.107(1) incorporates the attorney-client privilege. It protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential attorney-client communications. *Id.*

We have reviewed your arguments and the records at issue. Some of the submitted information does not appear to be attorney legal advice or confidential attorney-client communications such as to be protected by section 552.107(1). We have marked those portions of the information which you may withhold under that provision. The rest of the requested information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal flourish extending to the right.

William Walker  
Assistant Attorney General  
Open Records Division

WMW/eaf

Ref.: ID#125659

encl. Marked documents

cc: Mr. John MacCormack  
San Antonio Express News  
P.O. Box 2171  
San Antonio, Texas 78297-2171